

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DAWAN DARRYL PAYTON,
Plaintiff,

v.

UNNAMED,
Defendant.

)
)
)
)
)
)
)

Civil Action No. 7:19cv00562

MEMORANDUM OPINION

By: Michael F. Urbanski
Chief United States District Judge

Plaintiff Dawan Darryl Payton, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Nottoway Corrections Center. See ECF No. 1. By ordered entered October 16, 2019, the court conditionally filed the action, advised Payton that his complaint failed to state a cognizable § 1983 claim against the corrections center, and gave Payton the opportunity to file an amended complaint. See ECF No. 11. Payton filed an amended complaint but did not name a defendant. See ECF No. 12. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Because the amended complaint does not name a defendant, the court will dismiss this action without prejudice. The court notes that Payton may refile his claims in a separate civil action, subject to the applicable statute of limitations.

ENTER: This 13th day of November, 2019.

/s/ Michael F. Urbanski

Chief United States District Judge